



Nevada State Board of Medical Examiners

***** PUBLIC NOTICE *****

NEVADA STATE BOARD OF MEDICAL EXAMINERS BOARD MEETING

*Conference Room at the Offices of the
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301, Reno, Nevada 89502*

Videoconferenced to:

*Conference Room at the Offices of the
Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118*

Friday, November 6, 2009 – 8:30 a.m.

AND

Saturday, November 7, 2009 – 8:30 a.m.

***** AGENDA *****

Please Note:

- 1) Persons wishing to attend this meeting may do so at either of the above-listed locations for each day of the meeting.
- 2) Agenda items, other than those items posted with a specific date and time, may be taken out of sequence to accommodate persons appearing before the Board and/or to aid in the effectiveness of the meeting.

1. Call to Order and Announcements - Charles N. Held, M.D., President
- Roll Call/Quorum

Mailing Address: P.O. Box 7238 • Reno, Nevada 89510-7238
Physical Address: 1105 Terminal Way, Suite 301 • Reno, Nevada 89502-2144
(775) 688-2559 • Fax (775) 688-2321
E-mail: nsbme@medboard.nv.gov • Website: www.medboard.nv.gov

- 2.* Approval of Minutes
- August 6, 2009 Board Retreat Meeting – Open Session
- August 7, 2009 Board Meeting – Open/Closed Sessions
- September 18, 2009 Telephone Conference Call Board Meeting – Open Session
- October 6, 2009 Telephone Conference Call Board Meeting – Open Session
- 3.* Consideration and Approval of 2008-2009 Audit by Solari & Sturmer
Friday, November 6, 2009, at 8:40 a.m., or as soon thereafter as it may be heard
- Noémi (Amy) Allen, CPA, Solari and Sturmer, LLC; Renee West, Secretary-Treasurer;
Douglas C. Cooper, CMBI, Interim Executive Director; Donya Jenkins, Finance Manager
- 4.* Consideration of Request of Dana Marks, M.D. for Reconsideration and Modification of Settlement, Waiver and Consent Agreement in the Matter of the Nevada State Board of Medical Examiners vs. Dana Marks, M.D., BME Case No. 08-18131-1
Friday, November 6, 2009, at 8:50 a.m., or as soon thereafter as it may be heard
- Dana Marks, M.D.; Ed Lemons, Esq.
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 5.* Consideration of Request of Kim Adamson, M.D. for Modification of Conditions on His County-Restricted Medical License
Friday, November 6, 2009, at 9:10 a.m., or as soon thereafter as it may be heard
- Maria Nutile, Esq.
- 6.* Consideration of Request of Carolyn Cornelius, M.D. for Modification of Restriction on her Medical License
Friday, November 6, 2009, at 9:30 a.m., or as soon thereafter as it may be heard
- Carolyn Cornelius, M.D.
- 7.* Consideration of Request of David Linden, M.D. for Modification of Terms of Probation
Friday, November 6, 2009, at 9:45 a.m., or as soon thereafter as it may be heard
- Andrew Harrison, Esq.
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member

8.* Consideration of Adoption of Amendments to Nevada Administrative Code Chapter 630

Friday, November 6, 2009, at 11:00 a.m., or as soon thereafter as it may be heard

- Public Hearing, Review of Public Comments Received, and Consideration of Adoption as Permanent, Proposed Amendment to Nevada Administrative Code Chapter 630, to Require Nevada Physicians Who Sponsor Demonstrations by Out-of-State Physicians to Adhere to the Standards Enunciated in Chapter 629 of the NRS
- Public Hearing, Review of Public Comments Received, and Consideration of Adoption as Permanent, Proposed Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.275 to Make Confidentiality of Certain Information Applicable to Practitioners of Respiratory Care, as Well as Physicians and Physician Assistants
- Public Hearing, Review of Public Comments Received, and Consideration of Adoption as Permanent, Proposed Amendment to Nevada Administrative Code Chapter 630, to Provide a Definition of Clinical Practice of Medicine as it Relates to the Five-Year Practice Rule
- Public Hearing, Review of Public Comments Received, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, Revising Continuing Medical Education Requirements for the Renewal of a License of a Physician Assistant
- Public Hearing, Review of Public Comments Received, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, Authorizing the Board of Medical Examiners to Take Disciplinary Action Against a Physician Assistant Under Certain Circumstances

- Edward O. Cousineau, J.D., General Counsel; Douglas C. Cooper, CMBI, Interim Executive Director

9.* Consideration of Request of Francisco Sandigo, R.R.T. for Reinstatement of License

Friday, November 6, 2009, at 1:00 p.m., or as soon thereafter as it may be heard

- Francisco Sandigo, R.R.T.

10.* Review of Public Comments Received at Workshops, and Discussion Concerning Language of Proposed Amendment to Nevada Administrative Code Chapter 630, Related to Regulation of Medical Assistants

- Charles N. Held, M.D., President; Douglas C. Cooper, CMBI, Interim Executive Director

11.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Koussay Zarka, M.D., BME Case No. 09-5622-1

- Edward O. Cousineau, J.D., General Counsel

Closed Session for consideration

Open Session for adjudication

Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member

- 12.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Charles Mahakian, M.D., BME Case No. 09-9495-1
- Lyn E. Beggs, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 13.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Dean Mondell, M.D., BME Case No. 06-7541-1
- Lyn E. Beggs, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 14.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. John Thalgott, M.D., BME Case No. 08-9484-1
- Edward O. Cousineau, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 15.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Kevin Buckwalter, M.D., BME Case No. 08-12069-1
- Edward O. Cousineau, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 16.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Azber Ansar, M.D., BME Case No. 08-25112-1
- Edward O. Cousineau, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member

- 17.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Troy Eden, P.A.-C, BME Case No. 09-32267-1
- Lyn E. Beggs, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Charles N. Held, M.D., President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 18.* Consideration of Dismissal Without Prejudice in the Matter of the Nevada State Board of Medical Examiners vs. Robert Berkley, M.D., BME Case No. 08-19290-1
- Lyn E. Beggs, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Charles N. Held, M.D., President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 19.* Consideration of Dismissal Without Prejudice in the Matter of the Nevada State Board of Medical Examiners vs. William Ramos, M.D., BME Case No. 07-5299-1
- Edward O. Cousineau, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Charles N. Held, M.D., President; Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 20.* Consideration of Dismissal Without Prejudice in the Matter of the Nevada State Board of Medical Examiners vs. Dennis Gordon, M.D., BME Case No. 09-3892-1
- Lyn E. Beggs, J.D., General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member
- 21.* Discussion and Determination Concerning Request for Opinion by Thomas Bell, CEO of Clinicians Medical Group (CMG), Regarding Whether CMG Can Utilize Special Purpose Medical Licenses to Treat Patients Via Videoconferencing Equipment, Allowing Real-Time Interaction "Just as it Would for Face-to-Face Medical Care"
- Douglas C. Cooper, CMBI, Interim Executive Director; Lynnette L. Daniels, Chief of Licensing

- 22.* Discussion Concerning Board's Diversion Program
- Douglas C. Cooper, CMBI, Interim Executive Director
- 23.* Consideration of Upgrading Videoconferencing System and Purchasing Replacement Desktop Computers for Board Staff
- Douglas C. Cooper, CMBI, Interim Executive Director; Laurie L. Munson, Chief of Administration and Information Systems
- 24.* Reports
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Request and Discussion Regarding Adding Physician Assistants to the List of Those Who Can Perform Sports Physicals Pursuant to NAC 386.819
- Practitioner of Respiratory Care Advisory Committee - John H. Steinmetz, R.R.T., Advisory Committee Member
- Investigative Committees - Charles N. Held, M.D., President, Chairman, Investigative Committee A
Benjamin J. Rodriguez, M.D., Vice President, Chairman, Investigative Committee B
- Consideration of Cases Recommended for Closure by the Committees
- Investigations Division
- Status of Investigative Case Load - Pamela J. Castagnola, CMBI, Acting Chief of Investigations
- Compliance Report - Johnna S. LaRue, Compliance Officer
- Nevada State Medical Association Report - Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Report - Warren Evins, M.D., Ph.D, FACP, Executive Director, Clark County Medical Society; Benjamin J. Rodriguez, M.D., Board Vice President
- 25.* Executive Staff Reports - Douglas C. Cooper, CMBI, Interim Executive Director
- Consideration of Proposed 2010 Meeting Schedule
- Consideration and Approval of Revisions and Additions to Policy and Procedure Manual
- Consideration and Approval to Schedule the Administrators in Medicine Assessment Program Audit/FSMB
- Consideration of Request for Staff and Board Member Attendance at Educational Meetings
- Discussion Regarding Opening Satellite Office in Las Vegas
- Informational Items
26. Legal Reports - Edward O. Cousineau, J.D., General Counsel; Lyn E. Beggs, J.D., General Counsel; Christine M. Guerri-Nyhus, J.D., Chief Deputy Attorney General
- Board Litigation Status
- 27.* Licensure Ratification
- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the August 7, 2009 Board Meeting

28.* Appearances for Consideration of Acceptance of Applications for Licensure
Portions of these appearances may be conducted in closed session in accordance with NRS 241.030.

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| (a) | Dina Tack, M.D. | (g) | Clark A. Morres, M.D. |
| (b) | Andre Vanderhal, M.D. | (h) | Matthew C. Petersen, M.D. |
| (c) | Subhash C. Mitra, M.D. | (i) | Jay K. Radhakrishnan, M.D. |
| (d) | Alejandro N. Ocasio, C.R.T. | (j) | Stephen Castorino, M.D. |
| (e) | Stephanie Ashman, M.D. | (k) | Elliott D. Schmerler, M.D. |
| (f) | Donald Gates, M.D. | | |

29. Matters for Future Agenda

30.* Election of Officers and Appointment of Committee Members

31.** Public Comment

* Denotes items on which action may occur.

** Under the Public Comment agenda item, members of the general public may bring matters not appearing on this agenda to the attention of the Board. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than five (5) minutes.

NOTICES POSTED AT THE FOLLOWING LOCATIONS:

Nevada State Board of Medical Examiners - Reno
Washoe County Court House – Reno
Office of the Attorney General - Carson City
Office of the Attorney General - Las Vegas
Southern Nevada Health District - Las Vegas
Elko County Court House - Elko
White Pine County Court House - Ely

PLEASE NOTE:

- 1) Persons/facilities desiring copies of the Board's agenda must submit their request in writing every twelve (12) months. Check the address label for this agenda for expiration date.
- 2) With regard to any Board meeting, it is possible that an amended notice will be published adding new items to the original agenda. Amended notices will be posted in accordance with the Open Meeting Law; however, they will not be mailed to individuals on the Board's mailing list.
- 3) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Board office in writing at P.O. Box 7238, Reno, NV 89510 or by calling 775/688-2559 prior to the date of the meeting.